

## **COMPLETE TRANSCRIPTS – Berlaimont Objection Resolution Meeting on 1/7/21.**

**Tammy Angel, Reviewing Officer**  
**Scott Fitzwilliams, Responsible Official**

**NOTE: Additional objection statements pasted at end of this document from objectors that could not be an attendance. Pictures of Lake Agnes appended to Mr. Wiessner's objection, as requested.**

**From:** [ICS@vitac.com](mailto:ICS@vitac.com)

**To:** Franchina, Rachel -FS

**Subject:** Transcript for Event: 4666469

**Date:** Thursday, January 7, 2021 11:44:16 AM

Please stand by for realtime captions.

good morning everyone. We will get started in about one minute. I'm not sure why my WebCam is a black screen. [Indiscernible]. Susie, thank you for starting your WebCam. You don't need to hear it right now. When it's your turn you can start to speak. As we are getting started if you can make sure you mute both your phone and computer speakers until it is your time to speak. We will use audio through the phone line only, not to the Adobe Connect. Rachel, this is Scott, I am still having trouble with my WebCam so I will probably just work through the phone.

Okay, thanks Scott.

All right, it is the top of the hour. Thanks for those folks who are on the line [Indiscernible] will have you share those if you are on Adobe. I need to inform you will be according this meeting. I will hit record right now. It will be made available. Link will be posted on the project page after the meeting is completed. You will find the link in the meeting agenda. Thank you for obtaining the objection resolution meeting for the Berlaimont Estates. My name is Rachel Franchina and I will be your facilitator today. I am joined by Ryan West for technical support. Also on camera you can see Tammy, a deputy regional Rocky Mountain region. She is a reviewing officer [Indiscernible] and we are joined by Scott, the forest supervisor for the white River national Forest. Scott is a responsible official for the Berlaimont decision. We have a number of speakers here today presenting a variety of stakeholders. I want to thank you. A couple of technical things before we begin. As I mentioned dial into the audio line for audio, that number is in the chat box in the Adobe connect room. Please your audio line if you are not speaking. And if you are also in the Adobe Connect room please make sure you mute your computer so we don't get any echoes. You can download project material at the website. A link is provided in the agenda. If you are in the Adobe room there is a link on the right side of the screen. Click on the project files title and click browse and it will take you to the project site. I also want to call your attention to the bottom right-hand side of the screen, we have closed caption. If you're having technical issues please let us know in the Adobe Connect chat box and we will address them. I know this is a new way for meetings for many of you. We want to make it as easy as possible. It will require each of us to be especially professional and courteous. I will offer guidance as we go along such as how to mute or unmute your line. How to turn your camera on or off. Thank you for joining us. Am going to mute all lines in a minute and we will be able to, when it's your turn to speak you will be able to unmute by pressing star six. Tammy is going to provide an overview of the process and Scott is going to provide a summary. Most of the meeting time is for objectors to describe their issues. A detailed agenda will be shown on the screen. I will put it in the chat box. We

intend to wrap up by 11:00 this morning. I will now give the floor to Tammy.

Good morning everybody. I am doing a check, if you are on camera can you give me a thumbs up if you can hear me okay?

All participants are now in listen only mode.

[ Silence ]

Are you could, can you hear me? Okay. We will keep going. I think some of you might have been involved in the resolution process before. The resolution process allows for review of a forest supervisor in this case, Scott's decision. I am the court later. This meeting is primarily to provide an opportunity to independently look at the issue as you have raised, against the applicable laws and regulations and policies. As part of my review of your objections we did put together an interdisciplinary team of agency experts called a regional administrative review team to read and review the letters. This team identified all key issues you have raised and offered an initial opinion of how well the EIS address your issues. I have met with the team and I pretty much understand your concerns. In summary, you all have raised many important issues including issues related to impacts on deer, elk and sagebrush habitat including concerns about habitat and cumulative effects. Amending the forest plans on the proposed road which will go from [ Name Unknown ] providing [Indiscernible]. The agency consideration of similar parcels including [ Name Unknown ], some objectors have asserted it does not provide a clear parallel for comparison. Recreational pressures in the area that may exist and may likely be exacerbated if a new road and new trails and recreational opportunity. The elevated fire risk from the proposed development especially considering the realities of this past summer. [Indiscernible] the other proposed road and having a single way of egress and ingress which could complicate emergency situations. And the agency's interpretation of annual [Indiscernible] and its application to the Berlaimont proposal. Specifically the proposed road is reasonable and suggesting the [Indiscernible]. It also highlighted concerns that this decision might set precedent for future similar requests. Am looking forward to hearing you all and the issues you raised. Please do not feel like you have to reread your objection during this meeting. I have a lot of that in front of me and I will be referring to it. I would rather focus on summarizing your concerns and offering points of resolution regarding your objections. We won't have time doing this to engage each of you in a point by point response during the meeting but we are taking notes and as you know we are recording that and and we will capture the discussion and it will ultimately inform my draft decision. With that, I'm going to keep moving on. I know we have limited time so I'm going to turn over to Scott Williams, forest supervisor. Scott?

Scott, you need to hit star six to unmute.

Now can you hear me?

Yes, we can hear you now.

Okay. Extra steps I have not taken training for. Good morning everyone. Thank you for taking the time to spend with us today and also thank you for working through the challenges of COVID times as far as having to do this the way we are doing it. We like to do these in person if we cancel we appreciate that. Berlaimont and the proposal has a long history and I'm not going to dive deep into that because I think for one, mostly you know it and secondly, it is certainly well-established and available in the record in the EIS, what I want to do is summarize the decision, the announcement of the decision and my rationale for the decision. So as you know, this project involves the proposal for a access road to private land for development. Of 19 homes. In the analysis we analyzed in the EIS four alternatives. Three of

these alternatives were action alternatives and of course the no action alternative required under NAPA. I will get into that in a little bit. I think the record shows that the three action alternative meet our requirements to provide adequate access to private land. The no action alternative although required as a baseline, [ Name Unknown ] would have to analyze a no action alternative, through our [ Name Unknown ] determination we did not think that the no action alternative met the requirements under [ MUSIC ] . -- We identified a preferred alternative which was alternative number three which was the proposed alternative and the alternative posed by the proponents. After we sent the EIS out for comment and additional, we completed the final EIS, the final analysis, I identified alternative number two in the draft drought. Alternative number two as I mentioned, one of three action alternatives. When we did this analysis we believed, and we actually made it a pretty strong emphasis area as we were going through it, that any action alternative we wanted to make sure the NOCO providing access. That is the alternative that was released in the draft as you all know. I will summarize real quickly in a nutshell, I chose that alternative after considerable public input because it has the least amount of impact on national forest lands. That is the, one of the provisions and as we look at a tran60 termination we have the authority and responsibility to try to minimize impact and provide mitigation requirements to minimize those impacts to national forest land. I think alternative number two, as best it could, I think the EIS clearly displays and discloses the impact to both the land and flora and fauna, alternate to it was our opportunity to respond to some of the significant impacts related to elk, and deer, although all the action alternatives were relatively similar in their impacts alternative to avoid concentration areas for elk and when we went through this with her specialist the best alternative that we could find, given the circumstances we are dealing with, to minimize those impacts to elk and deer winter ridge. Again, it's time to respond to the public input we received, which we received a ton. And as stated in the draft, most of the comments received did not want the project to go through and were contrary to what we were doing. Again, we were trying to balance between what we see and I saw in our [ Name Unknown ] determination of needing to provide adequate access for reasonable enjoyment of that private land, and minimizing impacts to national forest. Those are the key rationale points that I used when I wrote this draft decision. And I look forward to hearing from all of you now, this is a process used to try to find some resolution if possible. If not it does provide us and me an opportunity to consider things in my final decision. With that I will turn it back to you, Rachel.

Thank you Scott. For the next 80 minutes we are going to hear from objectors. We are going to have objectors described their issues with proposed solutions. Each objector has been allotted five minutes. Bryan and I will keep track of time in the background. Actually on the screen as you can see, we have added a timer if you're in the Adobe room. I don't know why Mike Cameron is not working, I'm going to turn on as I need to but I will do that via voice. When you have one minute left I will let you know. I will turn on audio and let you know you have one minute. We have a number of speakers and we want to ensure everyone has time to address it. We would like those speaking to turn on cameras if possible, I see several faces on there. Thank you for doing that. You can find the camera icon at the top of the screen in the Adobe room. It's to the top right of the icons. You will need to select the camera and say turn it on. And start sharing. Speakers have been selected based on our medical order. However our first speaker had a conflict with this meeting and requested to at the top of the time. A first objector to speak is Andy Wiessner representing himself. Thank you for the photos you submitted. They are now part of the project . Hit star six and if you're able to turn on your

camera, when you start speaking we will start the timer. Andy, we don't hear you yet. Are you able to unmute your line

Hello.

There you are.

Can you hear me?

I hear you now.

Can everyone hear me

Andy, can you hear me?

I can hear you perfectly. You will not be able to hear anyone else right now, they are muted.

You are loud and clear.

Thank you for the opportunity to do this. I am involved because I was a charter member in 2003 of the Eagle County open space advisory committee, I was on the Eagle Valley land trust for 12 years. And I am a public land consultant who has 45 years experience in public land law. When it passed Congress in 1980, I was a young staffer and my bosses [ Name Unknown ] went over to the house floor to argue it didn't apply to the lower 48 states, but the courts have determined otherwise. My main point is that it gives the secretary immense discretion as to what constitutes reasonable use of enjoyment for the land owner of his land. And it says the access granted will be as a secretary, i.e. the Forest Service [Indiscernible]. It does not say that the access that will be provided must be the one the landowner deems adequate. Point number two, I think Berlaimont is not a reasonable use of national forest land and certainly amending forest land to accommodate Berlaimont excessive Road demands is not appropriate in the situation. Most of Berlaimont's homes would sit 2000 feet above the valley floor in Edwards. This would be akin to building a subdivision at Midvale. How do you get fire engines up there? How do you get emergency services up there at any convenient time is beyond the imagination. If you've actually been on the grounds. As Scott said, the Forest Service regulations require minimizing damage of the surrounding national forest land and therefore I thought the EIS made a good decision to reject alternative number three. Either way, Scott, I think the CIS and the information it provided was excellent. The tables and figures and data it was really wonderful and thank you for doing such a great job. I do not agree with the alternative number two decision. For reasons I will explain in a second. Next, in mid-October I went up to take a look at Agnes Road which is the primary comp you used to justify this road. I would encourage anyone involved in this decision to drive up there this winter. It is open. It was filled with 1962, the portion on national forest land is only .7 miles. 300 vertical feet. It has no switchbacks, no retaining walls, nothing. It is an easy, easy drive and in no way comparable to the proposed road to Berlaimont, which just to get to that property is 2.5 miles and 1000 vertical feet of switchbacks. One other thing is that the Forest Service should not be in the business of government welfare. Berlaimont new when it paid \$9 million for this land, it knew it had only dirt road access. It knew that that road was closed in the winter. It is not the job of the United States Forest Service to bail out a bad land purchase decision.'s

Andy you have 45 seconds.

In summary I like to see no action, reanalysis looking at use of the land being either three homes accessed by a dirt road under the Eagle County driveway standard or 19 summer homes and cabins accessed by dirt road in the summer months. Thank you so much. I really appreciate the time.

Thank you so much. Great job on time. Hit star six to mute yourself. Next up we have Morgan Beryl from the Eagle County Board of commissioners. Morgan, if you will hit star six to

unmute, I know you try to get your camera to work and that wouldn't work. Let's get your voice in there at least.

Thank you. Can you hear me?

So can.

Okay great. I couldn't show my face today, really we wanted to reiterate that our comments have been clearly outlined in the letter we submitted with our key point of really re-looking at those comps you used as part of your analysis. Really that is my comment for today.

All right, thank you Morgan. Next up we have Michael Browning from the Eagle Summit wilderness alliance. Michael? Hit star six to unmute. Michael, I don't hear you yet. Are you able to hit star six? You are on video NICU talking but we cannot hear you. If you can hit star six on your phone line to unmute.

Can you hear me now?

I can hear you now. Loud and clear.

I'm getting echoes should I be using the phone or the audio feed? Hello?

Sorry, I was unmute. Yes, mute your computer audio. Use your phone line for audio.

Okay, thank you. As you heard my name is Mike Browning. I am the chair of the Eagle wilderness alliance, a nonprofit that helps the Forest Service manage and protect the wilderness areas in some Eagle County and nearby habitats. The Berlaimont development is a great interest because it's such a great habitat for elk and deer and other animals. Allowing homes to be built on this land will affect that animal habitat and remember the animals call this area their home. At their second home or trophy home, their only home. Need to do all we can to protect their home. I also believe the Forest Service ever heard in its decision-making process in determining the reasonable use of this property for luxury homes, trophy homes with a major access road. In August 2019 citing our objection, shows that habitat caused by human development has been a major cause of the decline between the elk population in the area. This sort of fragmentation has to stop. The proposed road would further fragment this area and affect the landscape and drive the wildlife away. The Forest Service has determined this is critical winter habitat for elk. If put in place for that very reason, a closure to protect the winter habitat. But that of element requires the Forest Service to change that master plan and open it up for year-round use which will degrade the winter habitat. The process to date has also failed to take into account the fire season in 2020. It makes no sense to put firefighters at risk to defend trophy homes in the middle of a national forest. Forest Service to commit more resources and manpower to fight even more fires. We don't need to have more development for firefighters to put their lives at risk. The developer does not have the right to define himself what a reasonable use is. This is an objective assessment. The Forest Service has to make for itself in light of all the factors and circumstances surrounding the property. The Forest Service has given far too much deference to develop its own desires in choosing and saying this is a reasonable use property. Instead of putting trophy homes where they don't belong the developer could and should use the existing road to access seasonal cabins on this site. Since when are seasonal cabins no longer reasonable use in Colorado? That was the historic use of Forest Service land to have seasonal cabins. I just don't understand why the Forest Service isn't saying that the developer should put, should use the existing road, developed seasonal cabins and that allows him to make use of his property protecting the environment that surrounds it. The fact that he could make more money building 19 or more trophy homes is not a factor to what a reasonable use is. The developer does not get to make the most money possible out of his property. He is allowed a reasonable use. That would use the existing road

and have a limited number of seasonal cabins on that property. Finally, the Forest Service is proposing to construct a 4.5 mile mountain bike loop across his property supposedly to compensate for the loss of recreational use in the area. But such a trail only for the fragments the habitat for the animals who live there and drive whatever wildlife might remain.

You have one minute.

Thank you. It is well documented bikes disturb driveaway mountain bikes wildlife. With the fat tires being used they now use it on a year-round basis and disturbed elk habitat. The only way to resolve this issue and to address the concerns of community are to start this process over and have a reasonable and legitimate definition of reasonable use, at the very least, adopting no action alternative. If a mountain bike trail is built, it should be closed to bikers during the winter elk season. Too many luxury homes have been built in our forests. We are at a tipping point. We have to say no to some development so don't make sense please don't inflict another cut in an already wounded forest. We are at a tipping point and this is a bridge too far. Thank you for listening.

Your time is up.

Thank you.

Thank you. All right, next up we have Jonathan Christiansen. He is representing himself. If you will hit star six to unmute your audio. I hope that wasn't Jonathan accidentally hanging up. Will give him another few seconds. Jonathan? Okay, I'm going to circle back to him. I thingy I think he may have hung up his life. Anni Davis, you are up next. We cannot hear you. You need to use the phone audio to speak. You will have to hit star six on your telephone.

Can you hear me?

I've got you now.

Okay. I appreciate this opportunity to voice my concerns. I want to thank you for your diligence. Obviously there has been a lot of concern, a lot of letters. And I appreciate that you are taking the time to make a good long-term decision that will benefit all of us into the future. I want to appeal to everyone how important this decision is to honor and treasure the character of this valley, especially the mission of the Forest Service itself. To manage and protect these lands for all future generations. This record of decision alternative will set a disastrous precedent that by example is going to lead to the urban invasion of our forests. So this is a critical decision for the Forest Service. The ANILCA law was carefully written in the spirit to assure adequate access to individuals within holdings that lacked access such as mining claims. The access to which the land owner is entitled need not be on the most direct, economical or convenient route for the land owner. ANILCA also states the access to the property should minimize damage to the public lands. The existing access road would obviously cause the least damage to the lands. Berlaimont already has that access. A seasonal dirt road similar to every other develop holding in Eagle County. Furthermore the developer purchased land knowing full well that the national Forest Service had designated this area as a category 5.41 deer and elk winter range that requires seasonal winter closure. The ANILCA law states the Forest Service is required to give adequate access consistent with similarly situated property but also minimizes damage to lands and resources. A no action alternative fulfills that requirement. The Forest Service has no obligation to grant additional improvement for that access. Furthermore in making that decision the Forest Service looked at 23 similar parts all of which had unpaved dirt roads. However, none were granted to have full-year access that traverse through sensitive winter range for deer and elk. And allowed paved road access. None of the other holdings have paved holds roads that require massive cut and fill

similar to what alternative number two is requiring. The hazards that will take place through the cut and fill will be disasters to these wildlife habitats. ANILCA states that they have to minimize damage. There is a road already there. The developer has chosen by example similar large relevance in the I-70 corridor however all of these and their access are on private land or lands they acquired through land swap. They also are not remote developments like Berlaimont. We really have to --

You have one minute left.

Thank you. There are huge environmental concerns we have seen in the EPA concerning EC 2, this is critical area. And old 2 is a blatant disregard for all of the input from the local residents and governmental entities. But this year we have seen a disastrous wildfire season. And with COVID and the demand on our lands, I think putting a large-scale development in this property is unconscionable. The no action alternative fulfills all the requirements that ANILCA states. The most damaging part of granting a paved road is that it sets a precedent for all future holdings to demand the same regardless of the damage to public lands and resources in our natural habitats.

Your time is up.

Okay. It's unconscionable. I would like that

I'm going to move on to John Christiansen.

Your time is up, please hit star six.

We are not doing questions right now. Five minutes each for each objector.

Can you hear me?

Yes I can.

I know the typical opening statement includes thank you for the opportunity to speak. But look, this is an opportunity am thankful for but I had to take time out of my job providing for my family in order to be here for you to do your job. Am truly disappointed to be here with so few of my hard-working fellow citizens not because there aren't more of us who don't care about this project but because the forest service rules of interaction are so dizzying they are navigable average citizens that would answer the question if Berlaimont is a reasonable development, the answer is no. If they could figure out how to voice that no note while still providing for the families during a time of pandemic. Moving on. I have one single point I want to make today. The Forest Service determination that the Berlaimont proposal constitutes reasonable use was wrong at the time. New information that has come available since then has made it worse. Have you been in this valley? Have you lived here? You know this counties current focus is the housing demand with especially affordable housing maintaining the character of the county that draws people to us. The reason the county focuses on this is because the area has a history of bad decisions that made the focus important. This proposal will exacerbate them especially in light of new information. The history of that decision. We have been developing an eye on the mountainside especially in Avon and Edwards since the 80s. I'm talking about [ Name Unknown ], maybe those seemed reasonable in the 80s that they absolutely are not reasonable now. We wouldn't build another one of those. We know better. We are in New York Times for ridiculous design and population. The biggest [Indiscernible] in the U.S. were decimated by our bad decisions. This just happens to be in a different jurisdiction. And then holding instead of a county control property. Who governs the land in the first place. The public owns the land and it will be impacted by the Forest Service decision. We know more about the decline in wildlife populations than before we did when we made our initial determination. [Indiscernible] Monday there was a photo of and elk in the

Vail daily, the owner complained on Facebook, the elk were getting too aggressive. Is someone going to tell her she's keeping her horses and elk habitat? What is she thinking? What are we thinking, we know there are deadly fires. More than ever before. Every year this county has come up with more money for firefighting. The risk of a billion-dollar damage fire in this valley, and guess whose name I'm going to remember is a fire starts because road construction at Berlaimont? You better believe I'm going to be remembering the names of the Forest Service employees involved in this decision. And so will the national media. Don't be the ones whose names are in the stories. That is it. Have a history of allowing developers to meet the demand of luxury housing while not affordable housing. This is just another one of those. Berlaimont is another one. Just because it's on Forest Service land doesn't make a difference. How many more affordable houses do we need to build for service workers to cover the demand created by homeowners? Putting more pressure on our community and we don't get to have a say. There plenty of is here to figure this out. You've got to think more about what the property owner can do with access to their property. You got to think about the whole community, the entire Valley. There only two except will ways forward.

You have one minute.

Got it. The Forest Service can change its decision to go with no action. That is okay. Not my favorite. Or number two, the Forest Service can go back, start over, to the right job in determining reasonable use and say, no. You cannot put 19 mansions up there. Go ahead and maybe build some cabins or whatever, maybe, even that I am skeptical of. You can potentially look at other things like buying a [Indiscernible] property. Anyway. I'm done.

Thank you, John. Next up we have Jessica Foulis presenting Eagle Valley land trust. Jessica, hit start six to unmute your audio line. Jessica, we can't hear you yet. Okay, is that you, Jessica? All right, I'm going to move on to Peter Hart from wilderness workshop and I will circle back to see if Jessica can join. Peter, can you hit star six to unmute your line?

Can you hear me?

Yes I can. Go ahead.

Thank you for the opportunity. In five minutes I will endeavor to address the issue raised in our objection. Please know we stand by the written objection on file unless we alter it in writing. The project has proposed in Eagle Valley on the south facing hillside to provide some of the last winter wildlife habitat in the area the populations need that habitat more now than ever. The project proponent is a land speculator knowingly purchased a limited access parcel or than a decade ago. The property has seasonal access under roads which is the same level of access the characterizes nearly all the other holdings the agency found and discussed during this process. Under Eagle County driveway standards the proponent could construct up to three homesites on the parcel. The developer has asked for year-round paved access to support 19 mansions with nine accessory units. To approve this the Forest Service must grant a utility corridor on paving public lands the provides critical wildlife habitat. Agency must [Indiscernible] in effect with the developer purchase this property and as I said are more important now than ever before. In fact, this is not a holding that requires additional access, this parcel had existing access. And potential access options have prevented application of ANILCA even if the statute applies in Colorado. One of the biggest problems with this proposal raised by nearly everyone who has engaged is the impact it will have on wildlife. Winter wildlife habitat is a limited resource for deer and elk populations. This is the habitat deer and elk need to survive Colorado's coldest and snowiest months. During wintertime deer and elk exist on starvation rations. They relied areas where snow looking relations are low so



they can forage and where they can shelter without disturbance. Every calorie counts for these animals during the winter. Reduced forage or unnecessary disturbance can be the difference between life and death. That is why seasonal closures are so critically important. Wildlife populations in the Eagle Valley are in the crisis of the moment. Populations of deer and elk have dropped by more than 50% in recent decades. Experts agree that increased pressure from year-round

recreation and development are the primary causes of this decline. Now the Forest Service is proposing to approve a project that will exacerbate an existing problem and add to damage done. The agency's proposed decision fails to take meaningful action to protect the natural resources the agency is charged to protect. The Forest Service is relying on a usable reasonable use determination which ignores the evidence that the Berlaimont puzzle is not a reasonable use. That determination contaminated the rest of the Forest Service analysis. And necessitated a complete do over. The agency ignored critical factors in its reasonable use determination and relied on others that do not support its conclusions. Some of the criteria ignored were the need to modify existing plan. Impact wildlife and public opposition. Are objecting discusses other criteria and substantially more detail than I have time for today. The agency draft ROD is arbitrary and capricious an abuse of discretion. If lamenting the proposed action based on the existing record will violate the law and the agency's mission. Our objection raised issues related to ANILCA, NEPA. The issue contaminated the whole process is a reasonable use determination. The body of evidence indicates what Berlaimont has proposed is nothing like most holdings. Following this data to the logical conclusion that a reasonable use may be substantially less grandiose than what developers want, the Forest Service --

You have one minute.

On cherry picked similarities with an outlier pulser parcel. The agency arbitrarily ignored other relevant criteria are critically important to its reasonable use determination which weighed strongly against its conclusion. The reasonable use determination is fatally flawed and it's based upon what this entire analysis relies. Those flaws undermine the purpose and need of consideration and alternatives and impact and put the agency on a course that made it impossible to minimize impact required by the law. Basically, as a remedy that would resolve our objection in order to do that the Forest Service must set aside the FDA S and start over. After the new process the only action that could eliminate our concerns is the adoption of the no action alternative any decision confirming access to this parcel is adequate as is.

Your time is up. Thank you. I am going to go back to Eagle Valley land trust. I understand there might be another representative sitting in. If you are on the line could you please hit star six to unmute. Okay, not hearing anyone else. I will move on to Christie Hocht, I hope I said that right. She is representing herself as an individual. Hit star six to unmute your line.

Can you hear me?

Yes I can.

Okay. Good morning, our family is adamantly opposed to the Berlaimont proposal. My name is Christie Hocht and I have lived in the area for almost 50 years. We have raised two sons in Eagle County and they are raising their families here. Public lands have been our passion, skiing, hiking fishing and hunting. Hunting has provided a meat source for our family for decades. The decline in elk and deer herds to a fraction of what they were is a cause for alarm. Historically we saw herds numbering in the hundreds. My kitchen window looks across the Simba and Safari. Imagine this on a snowy October day. Hundreds of elk following the lead

cow to their winter home. Also picture hundreds of elk and deer using the corridor on the north side of I-70 returning in the spring. I haven't seen an elk on Simba in years and now I only see a few deer. This spring I saw 16 elk on their way over red sandstone. Removing a seasonal closure and building a paved moan and creating a trail across the habitat will endanger all species living there. However what used to be the second largest migration corridor will do my herds. The decision to pave the road this during winter range is unconscionable. Protected areas, seasonal trails and road closures are critical to the viability of our elk and deer population. Nonetheless the Forest Service has decided the Berlaimont is reasonable use without considering in the process they are removing existing closures and protections. Impacts the other species were ignored. The greater Sage grouse, Sharp tailed grouse, [ Name Unknown ], the potential damage to the species is relevant criteria. And weighs heavily against the conclusion that Berlaimont is reasonable use. [ Name Unknown ] in Eagle County are all comparable. None have paved year-round automobile access. Winter access is snowshoe, skis and snowmobile. The same access is appropriate for Berlaimont. Other issues the Forest Service failed to address in its reasonable use determination are fire and water. The Berlaimont area is related moderate fire danger. We are in a 20 year drought. Last summer Western Colorado and the entire western U.S. were in the exceptional drought category. According to the Denver Post yesterday, this 20 year drought cycle is one of two of the driest periods in the last 1200 years. 2020 brought fires of historic proportions in the West. Hiring [Indiscernible] Berlaimont with community's to the East. The triple in water is not enough to's and the fire of this size. A fire would endanger our first responders. One of whom is my daughter-in-law with Eagle River. I would hate to see her risk her life trying to save a home that should never have been built in the first place. Who bears the cost of fighting the fires? If water is diverted for this project, what happens to the population of endangered trout? Road construction maintenance and use would destroy this habitat and impact to this endangered species who are not considered in the reasonable use determination. Reading about the proposed project I can't find information on how the developer lands to get utilities to Berlaimont nor an environmental impact statement . Getting utilities to the property resulted further destruction of habitat. Please go back and read the study provided by the Department of natural resources, Colorado public lands --

You have one minute.

Before you make a final decision. They all recommend no action. Other concerns are light pollution known to adversely affect my Grecian. Noise pollution, invasive species and biking. But there's not enough time to address them today. My biggest fear is the developer runs out of money and abandons the project leaving us with a damaged habitat and a big mess like the one Highway 6 and Beaver Creek. In conclusion the proposed of element would irreparably damage sensitive habitat in the critical migration corridor for big game animals. Therefore proposed use is unreasonable for the damage it will probably cause to our wildlife and public land. Please reconsider your decision and choose no action is the correct solution. Thank you for the opportunity to speak here today.

Thank you. Next up, Susie Kincade representing herself. I see you on video. Can you hit star six to unmute your audio line? Susie, we are not able to hear you get. Okay, Susie, I am going to circle back to you. It looks like your video is on pause. Next we will go to Kim Langmaid also representing herself as an individual. Please hit star six to unmute your audio.

Can you hear me?

Yes I can.

Great. Thank you. I live in Vail, Colorado, I have lived here all my life. I am a third generation resident of this area. And I am presenting myself as an individual, although I am currently the Mayor pro tem on the Vail town Council. Also, the founder of walking Mountain science center, longtime partner with the Forest Service and also a professor of sustainability studies at Colorado Mountain College. And you already have two letters for me on record so I'm not going to repeat those. I already, I agree with everything that has already been said. So many great points have been made. I'm going to try and highlight a couple of other things. It was about nine or 10 years ago a group of local youth worked with the Forest Service, the national forest foundation, and other conservation partners to improve wildlife habitat in that very area around the perimeter of the private land. That experience, that was not only due to recognition by the Forest Service that the area needed improvements in habitat and was committed to improving habitat in that area, so it was prioritized. And youth spent the summer out there and it changed their perspective. They told us in their final report that they would never look at Sage habitat the same way they did before that experience. They recognize the value of these lands for wildlife and for community and for future generations. So I don't understand why the Forest Service would be moving forward endorsing a road through that area that they had previously determined was important wildlife habitat and has said so in the management plan for the area. Which, I was involved in creating so many years ago. I don't know how many it's been. Spending hours and hours irking on those kinds of things and then having them disregarded is not a great situation for the Forest Service to be in. We work very hard with the community partners, the Forest Service is traditionally always very good partner. There has been increasing impact on this valley over the decades, and now we are really bumping up against our ecological care and capacity. And others have said, we don't need any more luxury developing. They place huge burdens on our Park community and we are very much in a crisis moment right now, unable to provide housing for our local community members to make this place work. This kind of development will put us in for the crisis mode. Community values. Community values wildlife tremendously as evidenced in the new Eagle County community wildlife Roundtable which I am part of and many other stakeholders who produced an action plan. The Forest Service has been instrumental in that process. From the town of Vail perspective, --

You have one minute.

We do a survey every other year. Wildlife is at the top of that. I feel like in terms of adaptive management the Forest Service needs to adapt to the current situation and not rely on ANILCA which is outdated. The solution would be for the Forest Service to choose no action and there are many conservation partners and other state and federal that would help to create a conservation easement and put a protected area for wildlife in the future. Thank you so much for this opportunity and I hope you will do the right thing.

Thank you, Kim. I'm going to check back in with Susie. Are you able to unmute your audio and speak now?

I'm sorry, I wasn't able to do the video and audio at the same time.

No worries.

It is all new. Thank you for this opportunity to come back and speak. I absolutely echo what Kristi and Kim just said so eloquently. I couldn't say it better. I will try to say something else. In the best way possible. My biggest concerns our weather Bellemont represents a reasonable use. This is where the Forest Service really went awry in its consideration of this project a paved road to support developers dream is not with the alignment of the intent of ANILCA

which is miners into their mining claims in Alaska. Is going to set a disastrous precedent for development in our public lands and on our forests that will lead to the urbanization of our national forest. Just because we are in an urban kind of valley down below doesn't mean we need to spread that up, potentially spread that up into her national forest. There are other solutions. The law relies on a very judicious interpretation of ANILCA and I feel it needs to be revisited. Reasonable use enjoyment does not mean highest profit for the holder. The intent of ANILCA is to provide access, people have spoken to that. Another piece of the cumulative impact, I want the Forest Service to zoom out look at their entire forest. To have it say in the draft that yes, it's going to impact wildlife in the immediate area but it won't affect the rest of the wildlife in the forest is so naïve. Because it's all connected. All these habitats are connected. Except where the human intervention has put up insurmountable barriers like I-70 with no overpasses or underpasses for animals. But I feel the Forest Service needs to zoom out and review each project for cumulative impacts. You are the last backstop and protection of this resource. We need you to stand firmly and not cave to private interest. The two major projects that are in the works right now that are going to finish off these elk herds are, well three, the Berlaimont, putting a lift into a calving and winter area for elk, which the PR director for Beaver Creek in the 1980s, I sold that place of the world as the last and most environmental a sensitive ski resort ever to be built which plans were for it to be that. Had over the years all the elk calving areas are gone. The Hyatt is in place of an elk calving area. Excuse me, the Ritz Carlton. And McCoy Park is the last one. You make that decision and on top of it, you make a decision like Berlaimont, not to mention on private land the disastrous Edwards River Park which blocks elk migration coming down from the national forest to the river. Those are two that weren't really considered. Because, it said in your summary that it didn't see that Edwards River Park was going to be in the foreseeable future and didn't mention the [ Name Unknown ] Park. A two decisions on the Forest Service the greatly impact the Berlaimont issue. I understand the time and energy and years ago into ANILCA process are huge. And [ Name Unknown ] said you did a good job on this one with a lot of the data. You have one minute.

Thank you very much. However I feel another review through different lens considering community impact would leave to a no action alternative and confirm adequate access already exist to this parcel. With true respect to Scott Williams is disturbing to hear your approach to this issue, you did not really consider the no action alternative but simply included it as a requirement. No action is what we need here now if are going to reverse the unraveling of our forest habitats. I believe the Forest Service should take that no action alternative while doubling down on efforts to work with partners to trade the property or otherwise protected with conservation easement. This would be true stewardship of our forest lands. Thank you. Thank you. It looks like Jessica is able to join us representing Eagle Valley land trust. Hit start six to unmute your audio. Jessica, we can't hear you yet. Are you able to hit start six?

Great. Can you hear me now?

Yes I can hear you now.

Wonderful. I apologize for being late and the confusion. I'm actually going to see my time to [ Name Unknown ].

Oliver, are you able to unmute your line? Jessica, do you know if he is on the phone right now?

He did say he is on. Can more than one person be unmute at the time?

Yes they can.

It looks like he is having technical difficulties. Oliver, am going to move on in the interest of time and I will circle back to you.

All right, next up we have Howard, Howard Leavitt representing himself as an individual.

Please press star six to unmute your line. Howard, we are not able to hear you yet.

I wanted to quickly say I made the mistake of getting pound six. If people are accidentally hitting pound six instead of star six that could be the problem.

Thank you for that tip. Go ahead.

Wow.

Howard? Or was that Oliver speaking? The technology -- [laughter]. Howard, I see you are trying, I will give you a little time to figure that out. Okay. I see you are typing in the chat box.

Yes, you need to use the audio on the phone line not through the Adobe. Howard, while you are doing that I'm going to check in with Oliver. Oliver, were you unable to mute yourself?

Let me take a minute on the technical aspect of this meeting. You need to use the audio through the phone line. Bryan if you could put that information in the chat box again so folks have it immediately. Audio does not work well through the Adobe room. Okay, let me move to Kenneth Marchetti from the Edwards metropolitan district. Are you able to unmute?

Hello, I'm going to do similar as Jessica and yield my time to KERA Hyde who is a ward member on the Edwards Metro district. You are up.

Tara, are you unable to are you able to unmute?

Hello? Hello?

I do hear someone with noise in the background, someone speaking in the background.

Rachel?

I am waiting for a Saturday night live skit titled can you hear me now? It's got to be coming.

I am sure they have done one already. That is definitely the phrase of this. Is this Cara?

The title of COVID has got to be can you hear me now? [Indiscernible-multiple speakers]

Please go ahead.

At least it cracks me up when you know the first going to hear. Thank you. And yes, thank you Ken, I am on the Edwards Metro board. I am speaking on behalf of the community of Edwards most people know is the largest population of residents in our entire County. I am honored to share their concerns and our board did submit our objections and concerns in a letter to the Forest Service in October 2020. We are on record. That document on record is nothing new than what we have already heard. Is key to echoing the critical concerns over the adverse impacts on wildlife, the winter range will be forever compromise as well as irreversible interference with wildlife migration patterns. While I am speaking specifically for Edwards and the residence and input as has been stated, this project impacts our entire County. Is demonstrating what Kim said, survey after survey supporting the value of conservation and protecting critical habitat. Our environment is our identity and our identity impacts the quality of life and frankly our economic sustainability. My colleagues have been much better about articulating specific additional impacts as this project moves forward. As I listen to everyone is definitely access what is most being discussed. How can we all agree on the definition of adequate and reasonable? This is really the root of our disagreement. These two words and one statute is what we are debating. As common as before, the buyer knew what they bought, it came a seasonal access. Even our state senator is quoted to say, this property is appropriate for perhaps high-end seasonal cabins. And has commented before, is that the communities responsibility to make the investors? They claim it's too expensive but again, is our problem? The buyers financial goal? One of the comments that was in Scott's document or interview is,

he commented that even if the road is paved, the access will be limited to homeowners and guests. So that will limit impacts on wildlife. Good grief. Who believes that is going to be monitored or enforced? Moving forward, as far as the objective of this meeting and this chat is to have some resolution, I certainly endorse the previous executive director of the land trust, and I do endorse Kim's comment as well as Susie's in considering a conservation easement. What hasn't been shared is that there is an economic return to the land owner. It's not just if. They could be economically comfortable if they would consider this as an option. Moving forward on behalf of the board, kind of summarizing what we put in our letter, we do stand by representing the input that obviously no action is our preference. But, if we had to kind of accept one with reasonable use, alternative number one is probably the most viable because it does have the least environmental impact on wildlife. But because alternative number one wasn't chosen, alternative number two, we want to say that we do appreciate by moving the location of the road out of the primary to habitat was a direction in the right way. Again, thank you for this opportunity and public process. I think we have brilliant minds on this and I am optimistic our voices will be heard and that a solution that is a win-win is possible. Thank you for the time.

Thank you. Howard is on the phone line now.

All right, can you hear me?

Yes I can.

Greetings everyone. First, thank you, like everyone else's, thank you for your time and efforts to try to resolve this issue. My earlier -- I will be reading as well, so I'm not that well practiced in public speaking, so bear with me. My earlier documented comments on the proposed project have addressed among other things the condition of existing roads, speculative real estate development, wildlife impact and assumed population decline. Direct impacts of the road, redundancy of recreational trails, historic use, lack of viable comparable projects, applicable regulations and most importantly the need to adopt a no action alternative. To me the most troubling aspect of this whole process has been the forest service disregard for broadbased

show public opposition. For example, the Forest Service failed to consider the newly nearly unanimous community opposition. Literally in the thousands for this project and it's usable reasonable use. The project requires the Forest Service to consider other criteria as you gauge particular use. I would say the amount of public opposition would certainly fall within this realm. Especially when that particular use necessitates changing the existing force plan including the emanation of critical wildlife closures that the public supports and are more necessary than ever in light of the well-documented decline in the population of deer and elk. I object to the Forest Service failure to consider broad-based public opposition to the Berlaimont proposal in its reasonable use determination. The agency should revise the determination to give proper weight to this relevant criteria because failing to do so in this case undermines the whole process and the agency's own stated mission. In comparing existing development used in the R OD analysis, the comparable projects referred to fall on lands required to trade or swap and ultimately not depend on access through public or USF land. This is a flawed process that simply looks that we have done in the past to justify more of the same to consider whether it's reasonable to continue on that same path. Each project is unique. For example, the Forest Service considers Xfinity to winter wildlife range as other relevant criteria. Proximity is not the same as literally bisecting designated critical winter range which the Berlaimont Road would do. Cannot continue to pay continue critical winter

rage and expect the populations to return. Nonetheless the Forest Service failed to consider these issues in its determination. My understanding is that the authority provided within ANILCA is limited to regular eating the mode and manner of access across Forest Service land, yet does not extend regulatory authority over the use, actual use of those private [Indiscernible]. These two are mutually exclusive. What an owner does with his private land is absolutely his business as long as it meets all the requirements and regulations of governing agencies. In this case, however, the proposed project of this size and nature, the level and quality of a road required by ANILCA along with the dictated mission of the Forest Service should not be bending upward to meet the needs of the developer, but rather the developer should gauge the project based upon the limitations of the minimum obligation of ANILCA. Based upon those parameters and with an existing and well-established road in place -- You have one minute.

It 26 wide paved road far exceeds adequate access for reasonable use and enjoyment. Especially when it falls in the middle of the inter-wildlife region is designated by your own plan. This is well-established well before the Oliver purchased the property. The desire for well of for developer profit does not command us to amend that plan. The agency's failure to consider important criteria including public opposition consistent with public land impact show this analysis to be at best incomplete. The Forest Service needs to restart the process and choose no action alternative and confirm that adequate access already exists to this parcel. This is the only way the Forest Service and resolve my objection. Thank you again, I appreciate the opportunity.

Thank you, Howard. Next up we have Walt Olsen. He is resenting himself. Please hit star 62 unmute.

Hello.

I hear you loud and clear.

My name is Walt Olsen, I am a 32 year retired ski patrolman, 27 on Vail Mountain. I lived in Eagle County for 42 years. The proper response for the Forest Service is no action on any of the roads up there. The developer bought it knowing it was a holding and similar holdings are access Inyo County with dirt roads, [ Name Unknown ] and Piney Lake being examples. A paved road with damage public lands, recreation and most importantly wildlife. All roads have been closed in this area for more than 15 years from November 22 until May 21 with the recommendation of Colorado Parks and wildlife and that has been going on more than 15 years. The roads proposed would build 6-10 foot berms from plowing which would prohibit wildlife Crossing. There are approximately 2000 vertical foot gain that creates some sections of the road requiring even 9% grade. That is steeper than the Narrows on the west side of the pass at 7%. The roads would be unusable in the winter without standing, plowing and chemicals. The plan contains no allowance for mitigation of these issues and their effects on groundwater and the aquifer. The wildfire possibility would dictate that smart management of the area needs a second road in there for egress to preserve human life in the event of a wildfire. No such plan exists. I have looked at the website of the Forest Service, their stated mission, their motto, their vision, and their guiding principles all are ignored. Your motto, caring for the land and serving the people, we have not listen to the responding people with diverse needs in making this decision. Over 90% of the response is negative. You have petitions in your possession with greater than 4000 negative signatures. You are not following your motto if you're ignoring those. Visions, point point number eight. People of America can count on the Forest Service to perform. If you ignore your stated vision, you are not

performing. A two lane paved road where none exists demonstrates that the Forest Service is not performing. In guiding principles, number two, scientific knowledge will be used. Colorado Parks and wildlife has closed those roads for wildlife protection for more than 15 years. To reopen them does negate the unit of use of scientific knowledge. Following excellence and sensitivity to her decision. Again, 80% negative and no accounting for that. Number 11, we are in the Forest Service responsible and accountable for what we do. There has not been sufficient justification to allow paving of these roads. There are no medications to damage and repair what this road will do to migration and breathing.

You have one minute.

No alternatives to sustain the deer and elk populations. There are no mitigation plans for the road problems and no secondary road. Not addressing generational impact to wildlife and us. Bill and [ Name Unknown ] both required CPW officers with 30 years of experience in this area. The extended elk herd is down 50% from 2002. A big factor due to encroaching development. The officers have stated, the elk will not adapt. They will just die. The Forest Service must enforce no action on any more development or paving of all roads in this area.

Thank you.

Your time is it. Thank you.

Okay, Oliver, I'm going to go back to Oliver from the Eagle Valley land trust. Please hit star 62 unmute.

Hello there. Just when I thought I had the virtual sphere the yard in -- dialed in here him again. Greetings everyone. My name is Oliver and I'm here to comment on behalf of Eagle Valley land trust. The Eagle Valley land trust commission is to protect forever the lands we love, preserve heritage, scenic beauty, recreational opportunities and wildlife habitat. And to build a permanent legacy for future generations. ELP is in support of conservation of land to super preserve wildlife habitat. The proposed action will have a negative impact on vulnerable wildlife populations, habitat and scenic beauty in the area. The increase in noise and human and vehicular traffic will detrimentally affect already diminished wildlife populations. Wildlife habitats are already fragmented threat Eagle County. This road would add additional barriers for already imperiled populations that not only uses area for migration but also for severe winter refuge. Wildlife is important to our community. We are an active participant in the Roundtable which was formed to work across your stiction. To work together to protect wildlife habitat. We respect the authority and process of the Forest Service and the rights of private property owners. Conserving over 13,000 acres including over 12,000 acres of wildlife habitat. Conservation easement is the primary conservation tool are agreements between a willing landowner and willing land trust. As mentioned, ELP is willing to participate in these discussions and is readily available to suggest when received conservation strategies where focused. Thank you for your time.

Next up we have Ernest Saeger resending Vail Mountain alliance. Please hit star six.

Hello everyone. My name is Ernest Saeger, executive director of Vail Valley mountain trails alliance. Our mission is to maintain, educate and advocate and build sustainable nonmotorized trails while conserving the national environment of Eagle County under public lands. We promote stewardship of our public lands and sustainable trail practices and a balance between recreation and conservation. We maintain the trails and recreation contributed to the quality of life and economic vitality of our community. The VV MTA we are against the decision for massive retaining walls to build the 19 residential homes with year-round access. The road will have a lasting impact on elk and deer population. The road travels through warm south



facing slopes the provide calving areas for critical winter months. Will be a greedy access to the private property is a right we do not believe paved year-round access is necessary or reasonable. We would much rather see no action being taken through this proposal. However, the VV MTA focused our objections on immigration impacts the approved plan will have on the trail system. The trails are a backyard system used by walkers, bikers, and for motorized. Uses inadequately addressed by the proposed actions. In addition, a paved year-round Road will fundamentally change recreation use in the area by both increasing the number of recreation users and significantly shifting the typical access pattern of recreational use. We believe that inevitable changes to use levels in the plan fall short in addressing the impacts. For full details on all of our objections please reference our objection letter submitted as well as maps referring to certain trails and mitigation measures. Are five objections, however, overview, recreation use in the area severely underestimated and likely to exponentially increase of Eagle County population growth, increasing trail users and the establishment of a paved access area. Prior data in the planning process for this showed one time a trail encounter, there were 2698 total users that were on the road past the winter closure gait. We have a trail counter out there from November 9 to January 5 this year, on the road past the winter closure gait there were over 3500 users on that road. Many dog walkers, hikers, trail runners and some bikers. The use is significant in the area and paving the road would push all users into the current single or two trails that exist. This would create all types of conflicts and significantly decrease the experience. Also, the proposed mitigation will not fully address the unauthorized use routes and the likelihood of more unauthorized trails being created would result from the road being paved. There are already unauthorized trails in the area due to the amount of use and due to user conflict that need to be addressed. This paved road will only increase that. Furthermore, the Forest Service land and resource management plan designated this as 5.41 --

You have one minute.

Will no longer reflect the current character of the lower [ Name Unknown ] Creek and single tree area. Putting a paved road through this area it does not coincide with it being designated for elk and deer habitat. Finally, the current winter travel management plan in the Bear Creek system from wheeled vehicles would not be reflected with this alternative number two. Again, we would like to see no action. Thank you.

Thank you. Next up we have Kim West who is resenting herself. Hit star 62 unmute your audio. I've got you.

My phones have been affected by COVID. I will do the best I can. Thank you very much. Also ditto to everything Vesely said. I live at the top of Beard Creek, so I am intimately involved with wildlife appear. I reiterate, it is the wildlife, it is fire suppression, it is availability of water, the availability and the potential soil disturbance and also the invasive plant species that may overcome the Mountain. I want to state that the forest service ANILCA determination woefully undermines the process. My objection status stands. The developer, that is a corporation with limited liability, may not have the same standing as to access rights as an actual settler versus land buyer as reported in ANILCA when assigned to the Alaska national wildlife refuge. At this time individual cabin permits are being terminated and access of use of Kevin holdings to the hunting and trapping persons, so they are taking away those rights. I also have a lot of issues with the different options. I would like to have a no action option taken on this. I request the Forest Service initiate a new process from the beginning and reconsider if Berlaimont is a reasonable use thus restarting the process of choosing the no

action alternative and confirming access exists to this parcel. As we all know, the owners did buy the property as a seasonal dirt access and it was adequate at that time to justify the owners purchase of the parcel and it is adequate today. If you will please go back to might many previous letters of objection, that would be great. I do appreciate your time.

Thank you. We are at the point where we are at our last objector scheduled to speak. Ezekiel Williams. Representing Berlaimont LLC. Hit star 62 unmute.

Good morning, can you hear me?

Yes I can.

Thank you. [Indiscernible-low volume] thank you for convening this meeting. I am counsel for Berlaimont estate. With me on the phone as well as [ Name Unknown ]. I am the last objector. I know you have been listening for a long time. Thank you in advance for objecting - your attention. I want to address three things. First, alternative number two is equivalent to the no action alternative. And like the no action alternative the selection of it violate ANILCA. Second I want to address the deer and elk that have been the subject of the discussion today. Third, I want to address the elephant in the room. The intense political pressure the Forest Service is under to revisit it's reasonable use determination and the pressure on the Forest Service to select alternative number two or the no action alternative. First, a decision to select alternative number two is like a decision to select a no active action alternative. Both are imaginary access that would violate ANILCA. 11 years ago supervisor Fitzwilliam directed Berlaimont to determine the access the Eagle County would approve. Berlaimont did that through a long process. And despite the County's objection now, the county approved alternative number three because it's safe, minimizes adverse effects on wildlife and is the best access overall among the alternatives. The County did not approve alternative number two because the seven switchbacks that shoehorn are simply not safe, feasible and for more impact on wildlife. A decision to select the no action alternative as many objectors are asking the Forest Service to do would force upon Berlaimont inadequate access to use the existing singletrack unpaved dirt road would be inadequate and dangerous and violates ANILCA. That is the same problem with number two. It forces unsafe dangerous access on Berlaimont and would violate ANILCA. Alternative number two does not connect to the developable part of the property. It does not facilitate connectivity to the usable part of the property. Alternative number three on the other hand follows an existing agility corridor for much of its length and much of an existing road and does connect directly to the usable part of the property. Alternative number two also violates ANILCA because the county is not likely to approve it. This record shows the Forest Service knows that. Access the county will not approve is not access that is adequate under ANILCA. The other objectors have been very clear, they want the forest service to select number two or the no action to block Berlaimont from developing its own private property. And development consistent with state law, Eagle County land-use laws. They are asking the Forest Service to turn ANILCA upside down and applied to veto private property development. There objection is with ANILCA, the Forest Service cannot and should not do that because that is the exact opposite purpose of the statute. A federal judge will understand that. Second, I want to briefly address deer and elk. [Indiscernible] and was the alternative in the county approved because among other things, it is far less impactful to deer and elk than alternative number two. The forest supervisor identify deer and elk in his decision as to why he chose number two over number three. But if you take the blinders off and look at the whole landscape, --

You have one minute.

Thank you. To create the physical barrier to deer and elk the number three does not. Third, the elephant in the room is a tremendous political pressure the Forest Service is under to select the no action alternative or number two and to revisit reasonable use determination. Here the state, county and objectors are using legal pressure to dictate the for services reasonable use determination and try to unseat the Forest Service decision. That is the exact same mistake the Forest Service made in the village of Wolf Creek case. It allowed political pressure to dictate its independent judgment. Don't make the same mistake here. Records released yesterday by the Colorado Department of natural resources show that the objectors specifically holding this workshop have lobbied the state in a dozen or more private meetings to oppose this project and were successful in getting the state to urge the Forest Service to misuse its ANILCA to -- Your time is up.

May I say the grounds under which [Indiscernible]. Berlaimont will withdraw its objection if the forest dashes the reviewing officer directs the forest supervisor to select alternative number three and does so in a final records decision. Berlaimont will defend that decision and will be upheld. Thank you very much.

Thank you. We now have a few minutes on the agenda to allow for objectors who did not request time on the agenda to be given an opportunity to speak. So I can plan accordingly, if you are in Adobe Connect please raise your hand. You can find the raise hand on the top of the screen on the far right. Person with a hand raised. That puts you in the queue. Bryan and I will work through the queue. For those of you who are only on the phone, please hit star 62 unmute yourself and share your name at this time. Do I have anyone on the phone who would like to speak? Just on the phone I should say. Okay, I'm going to go to the list, Matthew Sandler. Rocky Mountain wild. You have two minutes. You will need to unmute your line by using start six. Matthew, we are not able to hear you yet. Can you unmute your audio line?

Hello, can you hear me?

Yes.

Great. [Indiscernible] enough example of our government [Indiscernible] to pillage crucial and irreplaceable natural area. Joined the changing tide and do the right thing. It is not a reasonable use, it is the developers desired use. Hold the law and your duties to uphold the national forest. In Wolf Creek they allow the developers pressure to influence and result in a unlawful decision. It was not political pressure. No action alternative will still allow development. Development can occur there. It's not the county's job to protect the national forest, it's the Forest Service's job and that was one of the failings in the village of Wolf Creek, deferring to the County and the developer here's asking you to consider how the local county will protect your national forest. This is not a violation of ANILCA, the objection is that this is an unlawful application of ANILCA and that is why you should choose no action alternative and protect these national lands, the resources there in the local elk populations the need this area to survive. Thank you.

Now I have to find my mute button. All right, so in the chat box, we have some written statements that will be included in the notes but we are not going to read them aloud here. Right now we are only asking for objectors not had a chance to speak to go ahead. I don't see any other hands raised. Do we have anyone only on the conference line who would like to speak right now? I am not hearing anyone else. I don't see any other hands raised. Tammy, I will turn it over to you to summarize and closes out for today.

Okay, thanks Rachel. It took me a minute. Thank you everybody for your comments today. I have to say, listening for the last hour and a half or so, really, I see the passion and I hear the

passion in your voices and we deftly are going to take these comments under consideration as we move forward. I really do appreciate you bringing the comments to my attention. For those who are coming in in written format too, thank you for sending those in in written format. Basically we will take what we heard this morning and I will review the comments and talk with the entire team as I mentioned earlier as we move forward to finalizing the review of the objection process. At some point here soon, I will be putting together a letter with a detailed analysis of the key objection issues raised and my final decision is reviewing officer. Also if there any instructions I need to provide the forest supervisor those will be in the letter as well. We expect to sign and mail the letter by January 23. That is our plan at this point. Hopefully we can make that goal. With that, I have nothing further. I think we are good for today and I appreciate everyone's time. Again, thank you so much for all of the comments and thoughts. And the great passion you all showed. Rachel, I will turn it back to you to close us out. Thank you so much, Tammy. And thank you for everyone who spoke today. As we mentioned at the beginning of the meeting we will post the recording of the session, the Adobe Connect recording on the project site. The project site and files, the link is in the agenda and also the Adobe room. It will take probably a day or two to get that recording posted. We also have the transcript from the captions that we will have as part of the record. Thank you so much, everyone. With that we will end the meeting today.

[Event Concluded] This message is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately

**Statements submitted by objectors that could not make the objection resolution meeting on 1/7/21.**

**Jacci McKenna**

Thank you for the information, I am sorry I am unable to attend the objection resolution meeting due to a conflict. That said, since I anticipate you'll be asking objectors what might satisfy their objections, I'd ask that you please read this into the record on my behalf.

The Forest Service failed to consider a host of criteria that weigh against its reasonable use determination, and render the conclusion that Berlaimont Estates is a reasonable use arbitrary. I pointed out several of those issues in my objection. To satisfy issues raised in my objection, the Forest Service must go back to the drawing board, restart its ANILCA determination, and take a hard look at all of the relevant criteria related to whether Berlaimont Estates is actually a reasonable use. Or the Forest Service could choose the No Action Alternative and confirm that adequate access already exists to this inholding—access that looks very much like every other inholding in Eagle County.

Thank you.

*Sincerely,*

*Jacci McKenna*

**Peggy Nicholls**

Thank you for the invitation to participate. I cannot make the Objection Resolution Meeting in person, but I'm wondering if you'd be willing to read this short statement into the record on my behalf:

*Since this is an objection resolution meeting, I'd like to make it clear that there are really only two things the Forest Service could do to adequately and appropriately resolve my objection. First, the agency could restart the whole process and reconsider whether this proposed use is reasonable in light of the damage that it will do to critical wildlife habitat. The other option would be to choose the No Action Alternative, which is the only alternative that adequately minimizes impacts on public lands and public resources, like wildlife.*

Thank you,

Peggy Nicholls

**Sacha Logan**

Dear Trey – Thank you for the invitation to participate in this hearing. I cannot make it due to work, but I'm wondering if you could read this short statement into the record on my behalf:

I stand totally opposed to this project. It is the last thing that the community needs, it is a misuse of our public lands, and it may be the last straw for dwindling wildlife populations in the area. There are only two things the Forest Service could do to resolve my objection effectively. First, the agency could restart the whole process and reconsider whether this proposed use is reasonable. Part of this consideration must include thorough consideration of the damage that it will do to critical wildlife habitat. The conclusion should be: nope, it isn't reasonable to build a damaging subdivision on this inholding that will result in destruction of this sensitive habitat. The only other option to resolve my objection would be to choose the No Action Alternative, which is the only alternative that adequately minimizes impacts on public lands and public resources, like wildlife.

Thank you,

Sacha

**Andy Wiessner**

Dear Mr. Schillie,

I received a notice from Tamara Whittington dated December 2, 2020 indicating that the objection review period for the Berliamont Estates Access Project was extended. I am not sure what that means legally, but I filed comments on the project on November 9, 2020.

In filing my comments, I attempted to include photos of the Lake Agnes road near Rabbit Ears Pass which the Forest Service relied upon heavily as a "comparable" road to justify a road into Berlaimont. However, I now fear that those photos may not have gotten to you.

Accordingly, I am herewith attaching the photos I took of the Lake Agnes Road on October 19, 2020. As I indicated in my November 9th objection comments, the Lake Agnes Road is really not similar to the proposed Berlaimont access road. Those observations include the fact that the Lake Agnes Road: 1) is all gravel and has no pavement 2) rises only 600 vertical feet in gentle terrain instead of the 2000 vertical feet in far more rugged terrain proposed at Berlaimont; 3) has only 0.7 miles of road on National Forest land, whereas the Alternative 2 proposal at Berlaimont have 2.4 miles of road on the Forest; 4) the Lake Agnes road has no steep grades or slopes, retaining walls, cut and fill, switchbacks, etc. whereas the Berlaimont road would be in very steep terrain and require massive cut and fill, retaining walls, switchbacks, and the like. Lastly, the Lake Agnes road is located on National Forest land classified as "General Forest and RanGEland" by the Forest Plan, whereas the Berlaimont road would lie in a "Deer and Elk Winter Management" category.

The attached photos of the Lake Agnes from October 19 show the following...working from the last photo back to the first :

IMG 1817 - beginning of Lake Agnes road off Highway 40...Highway 40 guardrails in foreground;

IMG 1814 - first stretch of Lake Agnes road looking up hill for roughly 0.4 miles - gently sloping road;

IMG 1813 - stretch of Lake Agnes road on private land above Lake Agnes subdivision entry gate;

IMG 1810 - Lake Agnes private property entrance gate. NF land in foreground, private land beyond gate;

IMG 1803 - Lake Agnes property gate (sorry this is blurry)

IMG 1802 - Lake Agnes road on NF land before reaching private land gate - gently sloping road;

IMG 1801 - stretch of Lake Agnes road on private land above private land entry gate - again, this is a gently sloping road;

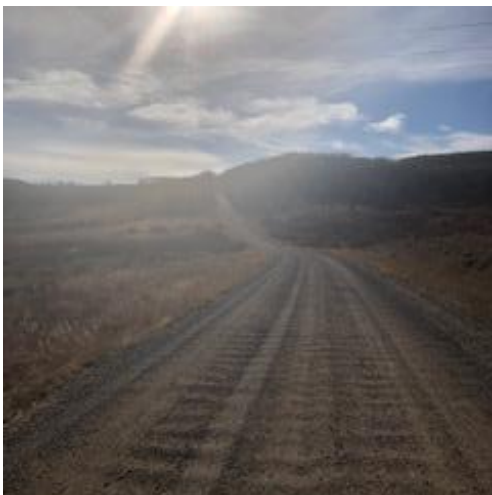
IMG 1800 - Lake Agnes from within subdivision - subdivision has lakeside homes and homes on slopes/ridge above lake;

IMG 1799 - more Lake Agnes from within subdivision;



IMG 1798 - Lake Agnes private entry gate showing NF boundary sign at gate...NF land in foreground and private land beyond gate





I HOPE THESE PHOTOS ARE HELPFUL TO YOU....and please attach them to my November 9, 2020 comments if they are not already attached

Sincerely,

Andy Wiessner